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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,210	03/04/2004	Hideo Ando	248549US2SDIV	4149

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EXAMINER

BOCCIO, VINCENT F

ART UNIT PAPER NUMBER

2616

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,210

Applicant(s)

ANDO ET AL.

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment & RCE on 10/3/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/662,584.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to amended claims 23-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 23-26 are objected to because of the following informalities:

Claim 23 is are objected to in view of reciting "playback timestamp information", on lines 12-13 and again the same at lines 14-15, either change the occurrences to "first and second" or change the second occurrence to show antecedent basis, by referring to as past tense, such as, "the or said".

Claims 24-26 also have the same issues.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

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examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claim 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Yamagishi et al. (US 5,535,008) and Hosono (US 5,856,930) and further in view of Hirabayashi et al. (US 6,002,834).

Regarding claims 23, 25-26, Yamagishi discloses and meets the limitations associated with a medium, corresponding method and apparatus for reproducing the data structure as disclosed on the medium, wherein the medium or memory (col. 9, disk/CD), comprises data structures for reproducing a bit stream comprising or including an I frame (MPEG),

comprising:

- wherein the data structure comprising:
- management information area (Fig. 7 E, "I Frame Access Information");
- an object area for recording a data object using data packets (Fig. 7 A);

wherein both the management information and one of said data packs is configured to include access information for accessing the I picture (Fig. 7 E, "I frame access data", col. 17, line 57 to col. 18, line 45, and col. 14, lines 18-).

Furthermore, the claimed apparatus and method of reproducing the medium in view of the medium having the data structure the recording to the medium is also met by Yamagishi by creating the data structure to the medium, wherein MPEG GOP video is reproduced from the medium, with the data structure as shown, wherein the management information or I frame access data, is used to access the I frames with corresponding access information being sector numbers, wherein the management and data packs include sector numbers as access information to selectively access the I pictures (Fig. 7 E), as described in cols. 1-2, as disclosed.

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In addition in accord to the apparatus claim the art applied further meets the limitations of a first and second reproducer met by the read head reading or reproducing the data corresponding to the record information, object and management data in accord to perform reproduction locating I frames with management data in order to perform trick or special {FF, FR}, reproduction operations.

Regarding claims 23, 25-26, Yamagishi discloses and meets the limitations associated with a medium, corresponding method and apparatus for reproducing the data structure as disclosed on the medium, but, fails to disclose,

"wherein the data packets contained in the stream block correspond to one or more MPEG Encoded GOPs, and

- a last portion of the stream block; or
- a last portion of a data area in the stream block is configured to have a padding area for a padding packet.

Yamagishi reads on limitation of providing some padding, referred to as stuff byte or bytes as shown in Fig. 4 F, part of a sector with, "an OF'", at the end, and

therefore, fails to particularly disclose or suggest, the recited,

"a last portion of a data area in the stream block is configured to have a padding area for a padding packet".

Hosono teaches and reads on having, "a last portion of at least one data area in the stream block (in a recording operation) configured to have a padding area for a padding packet col. 16, lines 17-39, "invalid dummy data, such as "0" or the like, is additionally recorded on the remaining sectors of the same cluster", wherein the cluster reads on the recited data area and remaining sectors are configured to record the dummy data or padding, being the last portion of the data area met by the cluster, or in the remaining sectors of the cluster or a last portion, when one GOP coded video cannot be disposed within 32 sectors of 1 cluster .. the video coded data of GOP is recorded with a plurality of consecutive clusters, therefore, meets the limitation of

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- "a last portion (end sectors of a cluster) of a data area (cluster) in the stream block (recording) is configured to have a padding area for a padding packet or dummy data.

Therefore, it would have been obvious to those skilled in the art to modify Yamagishi, by incorporating handling recording of MPEG encoded data structure by recording a last portion of a data area being a cluster, met by sectors at the end of a cluster, when a GOP does not fit into one cluster to in the data area or the end of the cluster to record dummy data on the remaining sectors of the same cluster, when one GOP does not fit into one cluster or strides over a cluster, as taught by Hosono.

The combination as applied discloses at least one management area having sector information or addresses being sectors addresses (col. 18, Yamagishi, N+1, N+2 ... N-1 ...), used to access forward and backward I frames or pictures or Intra frames (MPEG),

but, fails to disclose wherein the management area including {playback time stamp information and address}, relating to I pictures of the MPEG encoded stream/object or content or information on the medium.

Hirabayashi, teaches providing management information for accessing I pictures (Fig. 11), using a table having time and sector information, relating to the I pictures, thereby performing reproduction with I pictures at N times speeds, thereby effecting trick play easily, in view of when the compressed image data of a variable transfer rate is reproduced, the sector address cannot be determined from the time code because the sector address and the time code do not have a proportional relationship, wherein correct retrieval can not be made, therefore the sector and time relation table allows for an improvement, thereby effecting trick play easily (col. 3, lines 44- etc.....), as taught by Hirabayashi.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by providing a table having time and address information as taught by Hirabayashi, having advantages as taught by Hirabayashi (above).

Claim 24 is analyzed and discussed with respect to the claims above, but, the combination as applied meets the limitations of a medium, method and apparatus for reproduction

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but, fails to address, the recited method of recording to the medium as claimed.

The examiner takes official notice that it is well known in the art to encode to a data stream and generate entry points during the operation and record the generated encoded and entry point information to a medium in a recording operation, therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination by incorporating the teaching of encoding an MPEG stream, generating the entry points for I pictures and performing recording of the generated encoded and entry points to the medium, as is deemed, obvious and well known in the art.

Contact Fax Information


Any response to this action should be faxed to:

(571) 273-8300, for communication as intended for entry,
this Central Fax Number as of 7/15/05

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent
10/15/05


VINCENT BOCCIO
PRIMARY EXAMINER